

NORTHWESTERN HAWAIIAN ISLANDS
CORAL REEF ECOSYSTEM RESERVE ADVISORY COUNCIL MEETING

Wednesday, June 25, 2003

Honolulu Airport Hotel

Honolulu, O‘ahu

9:00 a.m. – 4:00 p.m.

Meeting Notes

ATTENDEES [Advisory Council Members]: Timothy Johns (State of Hawai‘i); Isaac Harp (Citizen-At-Large); Isabella Aiona Abbott for Louis “Buzzy” Agard, Jr. (Native Hawaiian); William Aila (Native Hawaiian); Halealoha Ayau (Native Hawaiian); Don Palawski for Jerry Leinecke (FWS); Naomi McIntosh (Hawaiian Islands Humpback Whale National Marine Sanctuary); Jarad Makaiau for Kitty Simonds (Western Pacific Regional Fisheries Management Council); Robert Smith (NWHI Coral Reef Ecosystem Reserve); Charles Karnella (Pacific Islands Area Office); John Muraoka (Dept. of Defense); Paul Achitoff (Conservation); Bill Gilmartin (Research); Cynthia Hunter (Education); Bob Gomes (Commercial Fishing); Laura Thompson (Conservation); Dave Raney (Conservation).

[NWHI CRER Staff]: ‘Aulani Wilhelm; Moani Pai; Mokihana Oliveira; Hans Van Tilburg; Sean Corson; Malia Chow; Randy Kosaki; Andy Collins; Tommy Friel (NOAA Enforcement); Emily Fielding; Kana‘i Chock. [NOAA Staff]: Edward Lindelof; Allen Tom.

[SRGI Staff]: Jonathan Scheuer.

[Alternate Council Members (not representing voting members)]: Athline Clark (State of Hawaii); Stephanie Fried (Conservation); Linda Paul (Conservation).

[Members of the Public]: Greta Aeby; Troy Antonelis (DLNR/DAR); Cha Smith (KAHEA); Keith Swindle (USFWS); Timm Timoney (Fisherman/Ho‘omalulu Zone); Melva Aila; Sharane Gomes.

I. OPENING AND WELCOME

Chairperson Timothy Johns called the meeting to order at 9:10 a.m. William Aila then offered the opening pule.

II. REVIEW AND APPROVAL OF AGENDA

The agenda for the day was approved.

III. REVIEW AND APPROVAL OF MINUTES

The minutes for the meetings held on April 30 – May 1, 2003 were approved as circulated.

Prior to addressing the next agenda item, Johns stated that the main task before the Reserve Advisory Council (RAC/Council) today is to finalize and approve the June 4, 2003 version of the draft Reserve Operations Plan (DROP) of the NWHI Coral Reef Ecosystem Reserve so that it may be forwarded to the National Marine Sanctuary Program office (NMSP) and ultimately the U. S. Department of Commerce (DOC). Johns thanked members of the Reserve staff, individual

working groups, and the Council for their diligence and hard work on the DROP. Discussion on agenda items then followed.

IV. RESERVE UPDATES

a. Science Workshop held on May 13-15, 2003.

Randy Kosaki began his presentation of the workshop, sponsored by NOAA's National Marine Sanctuary Program in Honolulu, with a brief history. In mid-December 2002, a meeting of all of the stakeholders with an interest in the NWHI was held to discuss information needs for the NWHI to review the history of research in the NWHI. This meeting resulted in group consensus of a need for management based on sound information and science, and general agreement that a science workshop would be an efficient means of articulating, prioritizing, and acquiring these needs.

The organization of the workshop was a result of work by a Workshop Steering Committee between December 2002 and May 2003, the major goal being to define a specific set of information focusing not on needs of academic research but on needs of management agencies and partners in the NWHI. The workshop has successfully produced the raw material from which a regional action plan may be developed as a guide toward management and conservation goals for all respective stakeholders. The next step would be to reconvene a group to draft this regional plan to include the spectrum of issues perceived facing the NWHI.

Dave Raney stated that the results of the workshop far exceeded his expectations. Johns noted that Governor Linda Lingle's comments at the opening were well-appreciated. Johns wanted to be sure that everyone was aware of an issue raised by Mr. Charles Ka'ai'ai, Indigenous Coordinator with the Western Pacific Regional Fisheries Management Council (WPRFMC) on whether or not native Hawaiian interests were properly represented or discussed at the workshop that was submitted via email, and also NOAA's response to his email. R. Smith confirmed that everyone on the emailed messages received a copy of the response.

b. Discovery Center Grand Opening on May 28, 2003.

Robert Smith presented a summary report prepared by Discovery Center Manager, Jeffrey Kuwabara. Since its opening, Mokupapapa has been extremely popular in terms of visitor numbers and reaction. In the first four weeks, there were approximately 4,500 visitors averaging about 230 daily guests, with the highest number in one day realizing over 400 people. Visitors have expressed amazement at the high quality of the exhibits, gratitude for the Center's location in Hilo, and pleasure that the text panels are offered in Hawaiian as well as in English. (A sample of the written comments were available for reading.) Visitor satisfaction has also been reflected in donations to the National Marine Sanctuary Foundation (NMSF) and in repeat visitors. The Center has hosted more than sixteen school and community groups, and has collaborated with both the Tsunami and Lyman museums in sharing visitors and conducting evening programs. Volunteers help with aquarium maintenance and will eventually be trained to educate visiting groups. Docents will

be added to enable longer operating hours. R. Smith noted that marketing is being planned with the expertise of the NMSP. The Center is open on Tuesday through Saturday, from 9:00 a.m. to 4:00 p.m. R. Smith thanked the Council for its valuable input.

At this time, Bill Gilmartin noted the presence of new staff and stated that the RAC membership selection was not on the agenda.

In response to the presence of new staff, 'Aulani Wilhelm introduced the following: 1) Emily Fielding, who just completed her Master's in Geography from the University of Hawaii at Manoa, and is working part-time on sanctuary designation; 2) Kana'i Chock, a volunteer high school summer intern from the UH Sea Grant's Kumu Ola Program, and Halau Ku Mana New Century Public Charter School at the Kamakakuokalani Center for Hawaiian Studies, and 3) Dr. Jonathan Scheuer, who is working for Sustainable Resources Group Int'l. Inc., on drafting the Environmental Impact Statement (EIS) and management plan. She also reintroduced Edward Lindelof from HQ in Silver Spring who is working with staff on plans for sanctuary designation. Johns extended a welcome to all.

On the new RAC membership selection, R. Smith noted that there are seven primary and seven alternate seats to fill, along with an additional alternate seat to fill a vacancy created by a resignation. He stated that members currently on three-year terms will serve as a preliminary review panel for all of the applications that have been received. Upon receiving the Council's selections, he will confer with the NMSP office. A list will be developed that will be subject to a clearance process within NOAA and the DOC. It is hopeful that an announcement of the new RAC members may be made at the next RAC meeting.

V. DISCUSSION ON A LETTER FROM DANIEL J. BASTA, DIRECTOR, NATIONAL MARINE SANCTUARY PROGRAM, DATED APRIL 29, 2003

Following discussion on items in response to his call for comments from the Council, Johns stated that he would entertain a motion for a resolution to allow the leadership to draft its response as an action item and circulate same to the RAC members for review. It will be sent to Dan Basta upon approval by the RAC.

VI. RESERVE OPERATIONS PLAN (ROP) OVERVIEW

R. Smith thanked the working group leaders and members for their time, enthusiasm, and expertise that went into the drafting of the June 4, 2003 version of the ROP, which represents the advice and recommendations of the RAC as called for by the Executive Orders (EO).

VII. DISCUSSION ON ROP ITEMS THAT HAVE SIGNIFICANTLY CHANGED SINCE THE WRITING WORKSHOP

Malia Chow noted that this is the last opportunity the RAC will have to devote a full Council meeting to vote on this version of the ROP. She thanked representatives of the RAC, Reserve, Headquarters, and partner agencies for participating in the writing workshop held on May 5 and 6, 2003, and noted that changes which have occurred since then have been documented for discussion today. These include language improvements

and/or changes in the action plans, estimated cost tables, strategy outcomes, executive summary, and sanctuary designation.

It was agreed that documents would be presented on the overhead projector with focus on those areas that have changed. These documents include the following handouts which were distributed to the Council: (1) “Message to the Regulations Working Group”, submitted by Raney, and (2) “Technical Edits to the 6/03 DROP” submitted by Sean Corson. Council members were then asked to review these documents over a 15-minute break, which was then called by Chairperson Johns. The Council reassembled at 11:00 a.m. to begin discussion and agreement on the ROP Action Plans.

VIII. DISCUSSION AND AGREEMENT ON ROP ACTION PLANS

Discussion, comments and questions went on concerning agreement on proposed language changes and process. It was noted that the RAC would be voting on the entire ROP document, rather than on individual action plans. This process of review attempts to include language that represents RAC agreement on items that were previously objected to, as well as, formatting and procedural changes. A transmittal letter, essentially a resolution, would include modifications that the RAC approves to also be embodied in the ROP document. The resolution that the RAC passes will be signed by Chairperson Johns, which will then go to the Reserve Coordinator, and ultimately to the NMSP. In this regard, discussion ensued to resolve all pending issues to enable ROP approval by the Council by the end of the day, and continued following breaks for Public Comment and lunch.

At 11:45 a.m., Chairperson Johns called for Public Comment and turned the Chair over to Vice-Chairperson Isaac Harp. Johns would resume the Chair after reassembly following the lunch break.

IX. PUBLIC COMMENT

Vice-Chairperson Harp recognized Cha Smith, Executive Director of KAHEA, Timm Timoney, Fisherman, and Stephanie Fried of Environmental Defense. C. Smith commented that the NWHI needs the RAC’s position, and that the RAC needs to communicate to Headquarters what it believes to be necessary, especially in regulations. Timoney focused her comments on the need for language citing emergency situations regarding vessel anchoring; trolling within 25 fathoms across Gardner Pinnacles through the Ho’omalū Zone directly to Honolulu; and fishing caps. Fried stated that language in the ROP will be taken to represent what the RAC thinks and reiterated the importance of having the RAC’s language in the final version of this ROP. She stated her confusion regarding access permitting. Fried submitted a “cut and paste” version of preliminary results of the Science Workshop on strategies that appear to basically support the use of a required notification system for all access to the Reserve, and of the EO, of items that point the need for mandatory notification access permits.

Vice-Chairperson Harp congratulated Naomi McIntosh upon her appointment as Manager of the HIHWNMS. A lunch break was then called. At 1:45 p.m., Vice-Chairperson Harp congratulated Dr. Isabella Aiona Abbott upon recent national recognition for her research on limu. Discussion on the ROP resumed.

X. DISCUSSION AND AGREEMENT ON ROP ACTION PLANS (Cont'd.)

Discussion continued on the following: (1) unique protection for a unique ecosystem; (2) Native Hawaiian cultural foundation; (3) precautionary principle/precautionary approach; (4) notification and permitting system for the NWHI; (5) budget issues; (6) surveillance and enforcement; (7) operations action plan; (8) enforcement action plan; (9) technical edits; (10) other changes, e.g., factual information from the U. S. Fish and Wildlife Service regarding ecotourism at Midway; factual information from the WPRFMC relative to the precious coral fishery management plan; (11) response, damage assessment and restoration; (12) historic wreck sites; (13) timetable for maritime heritage research.

At 2:45 p.m., Chairperson Johns called for Public Comment.

XI. PUBLIC COMMENT

Recognized were Linda Paul, Stephanie Fried and C. Smith who shared their perspective views on the ROP discussion. Paul's comments focused on permits and requirement notification as to proposed activity in the NWHI. Fried suggested language modifications to tracking all activities in the Reserve for which a permit had been issued, and asked that restoration and mediation within the Reserve be discussed. She also suggested that the transmittal letter to the ROP recap prior RAC resolutions calling for a \$1M per year budget for surveillance technology, reference the drafting of compromise language, and reiterate the need for mandatory notification, procedures, access permitting and surveillance, and that the results of the Science Workshop be appended to the letter. C. Smith commented on the resolution/transmittal letter that will accompany the final ROP, that it be put in the context of the mandate of the EO to protect the NWHI. She stressed the importance to reiterate the uniqueness of this resource, an ecosystem that is globally important requiring stringent protection to prevent any further degradation. As such, it requires a particular approach to regulations, surveillance, and remediation that does not exist in other places.

XII. DISCUSSION AND AGREEMENT ON ROP ACTION PLANS (Cont'd.)

Chairperson Johns recapped the open issues. Discussion on these issues and the resolution that would endorse a June 25, 2003, draft of the ROP which the RAC will vote on later in the day, continued.

At 3:00 p.m., Chairperson Johns called for a 10-minute break, which was followed by discussion on Sanctuary Designation. Following this item, discussion on the ROP resumed.

XIII. SANCTUARY DESIGNATION: NEXT STEPS

Allen Tom stated that the work the RAC has done on the ROP is a major milestone. The ROP will be a significant part of the draft management plan for the NMSP. Presenting a designation timeline, he noted that in July it is hopeful that a group would be formed to assist the Reserve staff in reviewing issues that were not addressed in the ROP. He pointed out that a draft environmental impact statement (DEIS) would need to be prepared in the year 2004, in order to have a final EIS by 2005. The timeline also

includes presentation of a draft proposal of regulations for the sanctuary to the WPRFMC for review at its October 2003 meeting.

In explaining this process, Wilhelm pointed out that sanctuary designation goals are to work closely with interagency partners, the State of Hawai'i and Fish and Wildlife Service, as well as the RAC during this interim period until the next RAC meeting scheduled in August to address the lack of clarity on what those issues are. She noted that the ROP has a series of action plans that are categories in the EO, and that in the draft sanctuary management plan that will be part of the EIS, the program is moving towards having issue-based action plans and strategies to address those issues. The goal is to work with interim groups to review comments and concerns and agree to a consolidation of similar issues for discussion, which will then lead to a determination of just what those issue statements and issue-based action plans are, a reverse of the ROP process. Wilhelm stated that to benefit from the knowledge and experience of the three-year RAC members, they would be asked to be part of this adhoc committee which would disband after two meetings. The other less preferred option is to continue to plan without the RAC. Johns entertained a motion to have a subcommittee of the following representatives: Commercial Fishing, Conservation, Native Hawaiian, Research, WESPAC, FWS, State of Hawai'i, Coast Guard. Motion passed. Johns stated that if anyone else would like to join the committee to give Wilhelm a call.

At 4:00 p.m., Chairperson Johns welcomed Halealoha Ayau and called for his report on the language inserted on Native Hawaiian responsibilities under the Jurisdictional Authorities section. Ayau explained the background that went into the drafting of this language, stressing the importance of language that discussed kuleana, with the focus on culture. After having submitted comments for the draft ROP, the working group was asked whether or not it wanted to include language in the Jurisdictional Authorities section. With an extension of time, the Cultural Working Group met to discuss the drafts that were submitted. After working on preparatory language all the drafts were reviewed resulting in a unanimous decision on draft language for circulation throughout the working group, which was then finalized and submitted to the RAC for review and approval. The primary focus was not on authority, but rather on the ability to exercise authority responsibly, how those responsibilities were created through the Kumulipo and passed down to native Hawaiians through kupuna and aumakua. Ayau pointed out that the focus of responsibilities is not so much in Western law as it is in cultural responsibility, with legal elements secondary to responsibilities, not to be placed in the position of authority but having to return or be restored to positions of responsibility. He stated that authority can be exercised in time, but responsibility needs first to be understood, rather than be just another agency exercising responsibility, or authority irresponsibly. The language is grounded in our culture that cannot be taken, manipulated or profaned, as the Kumulipo is what it is. It was moved by Cindy Hunter and seconded by Laura Thompson that this language be accepted. Motion passed unanimously.

Discussion on the budget tables was undertaken. It was moved and seconded to strike the budget amounts as presented in the June 4, 2003 version of the draft ROP, leaving the budget tables blank, and to urge the NMSP to develop budget figures reflecting RAC input. Motion passed unanimously. Discussion then focused on voting on the ROP and language in the resolution that will approve a June 25th version of the ROP that the RAC will pass, that will then go to the

Reserve Coordinator, for forwarding to the NMSP. This will move forward with amendments, changes and additions that have been properly captured and appended to the resolution. Chairperson Johns noted that the draft of the resolution will be emailed to the RAC members who will have 48 hours to make final revisions via email.

It was moved and seconded that the RAC vote on the changes to the ROP, and that final review of the letter be taken up in the next week. Motion passed unanimously.

XIV. ACTION ITEMS

- A. Motion: To send a letter thanking the Governor of Hawaii for attending the Science Workshop
Proposed by: Bill Gilmartin
Seconded by: Isaac Harp
Unanimously approved.
- B. Motion: To have Council leadership finalize a potential draft responding to Dan Basta's letter of April 29, 2003.
Unanimously approved.
- C. Motion: To send a resolution to Mayor Harry Kim to offer a mahalo for his support of the Discovery Center.
Unanimously approved.

At this time, Halealoha Ayau addressed the Council and announced his resignation, stating that this is his last meeting. Thanking them for his two years of service as a Native Hawaiian representative, he cited a need to focus on primary responsibilities and the desire to have Native Hawaiians who will work for the RAC to develop their own instincts and leadership qualities. Ayau stressed the importance that the RAC support Robert Smith in the work that is being done.

Johns stated that the honor was the RAC's for being able to serve with Ayau for the last two years. Lindelof thanked everyone. Johns thanked Chow and the Council members whose two-year terms have ended. Gilmartin expressed his pleasure at being on the Council and having the opportunity to work with very dedicated people. Ayau then offered the closing pule.

XV. NEXT MEETING

The next RAC meeting is scheduled for August 11 – 12, 2003, venue to be announced.

XVI. ADJOURNMENT

The meeting adjourned at 4:30 p.m.